

THURSDAY, MAY 9, 1991

FORTY-FIFTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Page Walley.

Representative Page Walley led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present . . . . . 94

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Davis (Gibson); business in his district.

Representative Holt; all week due to illness.

Representative Robinson (Washington); due to out-of-town business.

Representative Turner (Hamilton); due to illness.

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**REPORT OF COMMITTEE ON CALENDAR AND RULES**

**May 7, 1991**

**MR. SPEAKER:** Your Calendar and Rules Committee reports that we have met and set the following bills on the **Regular Calendar** for **Thursday, May 9, 1991:** House Bill(s) No(s). 1407, 1430, 1161, 288, 125, 936, 1203, 1302 and 1120; House Joint Resolution(s) No(s). 234 and 260.

We further report that we have met and set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, May 13, 1991:** House Bill(s) No(s). 1187, 1461 and 352; House Joint Resolution(s) No(s). 274.

PHILLIPS, Chair.

**REPORTS FROM STANDING COMMITTEES**

**AGRICULTURE**

**May 7, 1991**

**MR. SPEAKER:** Your Agriculture Committee reports that we have carefully considered and recommend for passage if amended: House Bill(s) No(s). 996.

RAY DAVIS, Chair.

Under the rules, with amendment(s): House Bill(s) No(s). 996 was/were transmitted to the Calendar and Rules Committee.

**COMMERCE**

**May 7, 1991**

**MR. SPEAKER:** Your Commerce Committee reports that we have carefully considered and recommend for passage if amended: House Bill(s) No(s). 399.

RHINEHART, Chair.

Under the rules, with amendment(s): House Bill(s) No(s). 399 was/were transmitted to the Calendar and Rules Committee.

**FINANCE, WAYS AND MEANS**

**May 7, 1991**

**MR. SPEAKER:** Your Finance, Ways and Means Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 301, 364, 381, 856, 893, 907, 1036, 1089, 1109, 1260 and 1303; Senate Bill(s) No(s). 685; also, for passage if amended: House Bill(s) No(s). 394, 815, 867, 1228, 1252 and 1459.

BRAGG, Chair.

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Under the rules, House Bill(s) No(s). 301, 364, 381, 856, 893, 907, 1036, 1089, 1109, 1260 and 1303; Senate Bill(s) No(s). 685; with amendment(s): House Bill(s) No(s). 394, 815, 867, 1228, 1252 and 1459 was/were transmitted to the Calendar and Rules Committee.

**STATE AND LOCAL GOVERNMENT**

**May 7, 1991**

MR. SPEAKER: Your State and Local Government Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 784, 1528 and 1544; for passage if amended: House Bill(s) No(s). 78, 303, 742, 1247 and 1464; for adoption: House Resolution(s) No(s). 73; for concurrence: Senate Joint Resolution(s) No(s). 151 and 197.

We further recommend that, pursuant to Rule No. 72, the following be referred to Finance, Ways and Means if amended: House Bill(s) No(s). 1396.

LOVE, Chair.

Under the rules, House Bill(s) No(s). 784, 1528 and 1544; with amendment(s): House Bill(s) No(s). 78, 303, 742, 1247 and 1464; House Resolution(s) No(s). 73; also, Senate Joint Resolution(s) No(s). 151 and 197 was/were transmitted to the Calendar and Rules Committee.

Pursuant to Rule No. 72, the Speaker referred to the Finance, Ways and Means Committee with amendment(s): House Bill(s) No(s). 1396.

**TRANSPORTATION**

**May 7, 1991**

MR. SPEAKER: Your Transportation Committee reports that we have carefully considered and recommend for adoption: House Joint Resolution(s) No(s). 177 and 231; for concurrence: Senate Joint Resolution(s) No(s). 217.

ROBB ROBINSON, Chair.

Under the rules, House Joint Resolution(s) No(s). 177 and 231; also, Senate Joint Resolution(s) No(s). 217 was/were transmitted to the Calendar and Rules Committee.

**ENROLLED BILLS**

**May 7, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 33, 47, 180, 248, 255, 260, 261, 333, 687, 887, 888, 889, 934, 973, 1008, 1028, 1201, 1306, 1373 and 1581; House Resolution(s) No(s). 81, 83, 84 and

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85; also, House Joint Resolution(s) No(s). 299, 300, 301, 302, 303, 304, 307 and 309; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR  
May 7, 1991**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 448, 616, 655, 774, 988, 1333, 1334, 1554, 1562, 1571, 1575 and 1582; also, House Joint Resolution(s) No(s). 70, 120, 255, 257, 259, 261, 263, 264, 265, 266, 267, 268, 271, 272, 289, 296 and 297; with his approval.

DAVID H. WELLES,  
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR AND RULES  
May 8, 1991**

MR. SPEAKER: Your Calendar and Rules Committee reports that we have met and set the following bills on the **Regular Calendar** for **Thursday, May 9, 1991**: House Bill(s) No(s). 791, 1434, 782, 1389, 1438, 1460, 1457, 15, 819 and 1288.

We further report that we have set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, May 13, 1991**: House Bill(s) No(s). 1209.

PHILLIPS, Chair.

**HEALTH AND HUMAN RESOURCES  
May 8, 1991**

MR. SPEAKER: Your Health and Human Resources Committee reports that we have carefully considered and recommend that, pursuant to **Rule No. 72**, the following be referred to Finance, Ways and Means: House Bill(s) No(s). 322.

DIXON, Chair.

Pursuant to **Rule No. 72**, the Speaker referred House Bill(s) No(s). 322 to the Finance, Ways and Means Committee.

**JUDICIARY  
May 8, 1991**

MR. SPEAKER: Your Judiciary Committee reports that we have carefully considered and recommend for passage if amended: House

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Bill(s) No(s). 32, 735, 795, 1052 and 1083.

We further recommend that, pursuant to **Rule No. 72**, the following be referred to Finance, Ways and Means: House Bill(s) No(s). 682 and 894; if amended: House Bill(s) No(s). 764 and 1435.

BUCK, Chair.

Under the rules, with amendment(s): House Bill(s). No(s). 32, 735, 795, 1052 and 1083 was/were transmitted to the Calendar and Rules Committee.

Pursuant to **Rule No. 72**, the Speaker referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 682 and 894; with amendment(s): House Bill(s) No(s). 764 and 1435.

**SIGNED**

**May 8, 1991**

The Speaker announced that he had signed the following: House Bill(s) No(s). 33, 47, 180, 248, 255, 260, 261, 333, 687, 887, 888, 889, 934, 973, 1008, 1028, 1201, 1306, 1373 and 1581; House Joint Resolution(s) No(s). 299, 300, 301, 302, 303, 304, 307 and 309; also, House Resolution(s) No(s). 81, 83, 84 and 85.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**May 8, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 33, 47, 180, 248, 255, 260, 261, 333, 687, 887, 888, 889, 934, 973, 1008, 1028, 1201, 1306, 1373 and 1581; also, House Joint Resolution(s) No(s). 299, 300, 301, 302, 303, 304, 307 and 309; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 8, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 18, 42, 153, 157, 158, 159, 160, 163, 164, 165, 166, 233, 234, 236, 239, 240, 244, 252, 254, 256, 294, 632, 944, 956, 1037, 1094, 1173, 1311, 1395, 1402, 1570, 1573, 1577, 1578, 1579, 1585 and 1589; also, House Joint Resolution(s) No(s). 103, 121, 185, 273, 275, 277, 278, 282, 283, 284, 285, 286, 287, 288, 290, 291, 292, 293, 294, 295 and 308; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

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**MESSAGE FROM THE SENATE**

**May 8, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 43, 143, 349, 366, 421, 535, 1000, 1336, 1349 and 1418; also, Senate Joint Resolution(s) No(s). 236, 243 and 247; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 8, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 36, 176, 461, 746, 1241, 1402, 1448 and 1552; also, Senate Joint Resolution(s) No(s). 105, 106, 162, 209, 210, 213, 216, 219, 221 and 229; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

**May 8, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 18, 33, 42, 47, 153, 157, 158, 159, 160, 163, 164, 165, 166, 180, 233, 234, 236, 239, 240, 244, 248, 252, 254, 255, 256, 260, 261, 294, 333, 632, 687, 887, 888, 889, 934, 944, 956, 973, 1008, 1028, 1037, 1094, 1173, 1201, 1306, 1311, 1373, 1395, 1402, 1570, 1573, 1577, 1578, 1579, 1581, 1585 and 1589; also, House Joint Resolution(s) No(s). 103, 121, 185, 273, 275, 277, 278, 282, 283, 284, 285, 286, 287, 288, 290, 291, 292, 293, 294, 295, 299, 300, 301, 302, 303, 304, 307, 308 and 309; for his action.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**May 8, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 181, 215, 469, 649 and 703; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

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**MESSAGE FROM THE SENATE**

**May 8, 1991**

MR SPEAKER: I am directed to return to the House, House Bill(s) No(s). 217; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 8, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 238, 253, 254 and 266; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**Senate Joint Resolution No. 0238** -- Memorials, Public Service -- Jack Seaton. by \*Montgomery, \*Hicks, Dunavant, Person, Elsea, Henry, et al.

**Senate Joint Resolution No. 0253** -- Memorials, Interns -- Stephanie Nails. by \*Wilder.

**Senate Joint Resolution No. 0254** -- Memorials, Professional and Business Achievement -- Packaging Corporation of America. by \*Wilder.

**Senate Joint Resolution No. 0266** -- Memorials, Heroism -- Johnny Todd Dyer. by \*Hamilton.

**MESSAGE FROM THE SENATE**

**May 8, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 56, 64, 631, 1046 and 1326; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**\*Senate Bill No. 0056** -- County Officers -- Removes certain paperwork requirements from sheriff for work release program. Amends TCA, Title 41, Ch. 2. by \*Rochelle.

**Senate Bill No. 0064** -- Firearms and Ammunition -- Removes requirement that weapons must be carried with intent to go armed on school property or in public parks in order to be unlawful. Amends TCA, Title 39, Ch. 17, Pt. 13. by \*Montgomery.

**\*Senate Bill No. 0631** -- Water Pollution -- Authorizes water

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quality control board to assess permit fees to fund environmental programs. Amends TCA, Titles 68, 69. by \*Greer, O'Brien.

**Senate Bill No. 1046** -- Courts, General Sessions -- Creates new general sessions court in certain counties. Amends Chapter 772, Public Acts of 1982. Same as \*SB 44. by \*Person.

**\*Senate Bill No. 1326** -- Handicapped Persons -- Creates mechanism for procurement of goods and services from certain handicapped persons. Amends TCA 4-29-213; Title 9, Ch. 8; Title 12, Ch. 4; Title 71, Ch. 4. by \*Cohen, Hamilton, O'Brien, Rochelle.

**MESSAGE FROM THE GOVERNOR**  
**May 8, 1991**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 420, 424, 461, 546, 566, 741, 777, 851, 902, 1239, 1250, 1340, 1429, 1580 and 1583; also, House Joint Resolution(s) No(s). 82, 83, 110, 125 and 157; with his approval.

DAVID H. WELLES,  
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR AND RULES**  
**May 9, 1991**

MR. SPEAKER: Your Calendar and Rules Committee reports that we have met and set the following bills on the **Regular Calendar** for **Monday, May 13, 1991**: House Bill(s) No(s). 146, 301, 996, 1026, 828, 399, 400, 401, 986, 1557, 1236, 205, 1260, 1252, 1089 and 1036; Senate Bill(s) No(s). 685; also, House Joint Resolution(s) No(s). 51, 247, 248 and 249.

We further report that we have met and set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, May 13, 1991**: House Bill(s) No(s). 1041; also, Senate Joint Resolution(s) No(s). 211.

PHILLIPS, Chair.

**CONSENT CALENDAR**

**House Resolution No. 0086** -- Memorials, Congratulations -- Reshea Pensyl, MDA poster child.

**House Resolution No. 0087** -- Memorials, Professional and Business Achievement -- Y. T. Johnson, Tree Farmer of the Year in Tennessee.

**House Resolution No. 0088** -- Memorials, Retirement -- Verda Lee Wilson.



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**House Resolution No. 0089** -- Memorials, Personal Occasion -- Owen and Retha Hall, 50th wedding anniversary.

**House Resolution No. 0090** -- Memorials, Personal Occasion -- Joe and Faye Stephens, 25th wedding anniversary.

**House Resolution No. 0091** -- Memorials, Personal Occasion -- Elmina Bingham, 85th birthday.

**House Resolution No. 0092** -- Memorials, Personal Occasion -- Mr. and Mrs. Ray Lyons, fiftieth wedding anniversary.

**House Resolution No. 0093** -- Memorials, Personal Occasion -- Mr. and Mrs. Bob Van Norstran, 30th wedding anniversary.

**House Resolution No. 0094** -- Memorials, Interns -- Sandi Jo Viers.

**House Joint Resolution No. 0323** -- Memorials, Sports -- Science Hill boys' basketball team.

**House Joint Resolution No. 0325** -- Memorials, Recognition and Thanks -- African American Men.

**House Bill No. 1601** -- Murfreesboro -- Revises charter relative to territorial jurisdiction, condemnation, police, poll tax, liability, qualifying of voters, ordinances, legal process, purchases, public contracts and bonds. Amends Chapter 429, Private Acts of 1931, as amended.

**Senate Joint Resolution No. 0223** -- Memorials, Death -- Dr. Raymond A. Johnson.

**Senate Joint Resolution No. 0224** -- Memorials, Public Service -- Jennifer Ford.

**Senate Joint Resolution No. 0225** -- General Assembly, Statement of Intent or Position -- Knoxville bid for venue in 1994 Soccer World Cup.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes. . . . .	93
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott,

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Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Chiles -- 1.

A motion to reconsider was tabled.

**REGULAR CALENDAR**

**\*House Bill No. 0280** -- Courts, General Sessions -- Increases jurisdiction and compensation of certain general sessions judges. Amends TCA 16-15-5004.

Further consideration of House Bill No. 280, previously considered on April 10 and April 17, 1991, at which time it was reset to the Calendar for May 9, 1991.

Rep. Windle moved that House Bill No. 280 be passed on third and final consideration.

Rep. Windle moved to amend as follows:

**Amendment No. 1**

Amend House Bill No. 280 by deleting subsection (d)(2) of the amendatory language of Section 1 in its entirety and by renumbering subsection (d)(3) accordingly.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Windle moved that **House Bill No. 280**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	88
Noes . . . . .	4
Present and not voting . . . . .	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Halteman, Hargrove,

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Hassell, Haun, Head, Herron, Hill, Hillis, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Sipes, Stamps, Tindell, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 88.

Representatives voting no were: Copeland, Haley, Holcomb, Tullos -- 4.

Representatives present and not voting were: Harrill, Shirley -- 2.

A motion to reconsider was tabled.

**House Bill No. 1266 -- Workers' Compensation --** Expands list of physicians to include those in state provider network. Amends TCA, Title 50, Ch. 6.

Further consideration of House Bill No. 1266, previously considered on April 8 and April 29, 1991, at which time it was reset by special order to the Calendar for May 9, 1991.

Pursuant to **Rule No. 13**, the following was set as a special order for February 20, 1992: House Bill No. 1266.

**House Bill No. 1323 -- Equalization Board --** Prohibits certain persons from serving on Shelby County board of equalization. Amends TCA, Title 67.

Further consideration of House Bill No. 1323, previously considered on May 1, 1991, at which time it was reset to the Calendar for May 9, 1991.

Rep. Cross moved that House Bill No. 1323 be reset one week to the Calendar for May 16, 1991, which motion prevailed.

**RULES SUSPENDED**

Rep. Purcell moved to suspend **Rule No. 50**, so that resolutions so requested may be considered today out of order and placed on a Special Consent Calendar, which motion prevailed.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 0785 -- Education --** Expands list of personnel authorized to suspend students. Amends TCA 49-6-3401.

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Further consideration of House Bill No. 785, previously considered on May 6, 1991, at which time it was reset to the Calendar for May 9, 1991.

On motion, House Bill No. 785 was made to conform with Senate Bill No. 9.

On motion, **Senate Bill No. 9**, on same subject, was substituted for House Bill No. 785.

Rep. Jackson moved that **Senate Bill No. 9** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	87
Noes. . . . .	7

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Stamps, Tindell, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 87.

Representatives voting no were: Givens, Hargrove, Holcomb, Niceley, Rigsby, Rinks, Tullos -- 7.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on Senate Bill No. 9 and have this statement entered in the Journal.

Rep. Lois DeBerry

**SPECIAL CONSENT CALENDAR**

**House Resolution No. 0097** -- Memorials, Interns -- Scott W. Gilmer. by \*Naifeh, \*Ridgeway.

Introduced; placed on special consent calendar.

**House Resolution No. 0099** -- Memorials, Heroism -- Cocke Countians in Operation Desert Storm. by \*Davis R E.

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Introduced; placed on special consent calendar.

**House Resolution No. 0100** -- Memorials, Sports -- Aquinas Junior College men's basketball team. by \*Odom, \*Halteman, \*Garrett, \*Love, \*Clark, \*Pruitt, \*West, \*Chiles, \*Robinson Robb.

Introduced; placed on special consent calendar.

**House Resolution No. 0106** -- Memorials, Interns -- Andrea M. Alexander. by \*Naifeh, \*Ridgeway.

Introduced; placed on special consent calendar.

**\*House Joint Resolution No. 0119** -- Memorials, Government Officials -- Directs study for providing of day care reimbursement for working couples willing to be foster parents.

Recalled from Calendar and Rules Committee; placed on special consent calendar.

**\*House Joint Resolution No. 0186** -- Highway Signs -- C. S. Hunt Memorial Bridge, Horse Creek on SR 93.

Recalled from Transportation Committee; placed on special consent calendar.

**House Joint Resolution No. 0305** -- Naming and Designating -- Senior Citizens Dental Health Month, May.

Recalled from Calendar and Rules Committee; placed on special consent calendar.

**House Joint Resolution No. 0306** -- Naming and Designating -- Children's Dental Health Month, February 1991.

Recalled from Calendar and Rules Committee; placed on special consent calendar.

**House Joint Resolution No. 0327** -- Memorials, Personal Occasion -- Cecil and Sarah Spencer, 50th wedding anniversary. by \*Fowlkes, \*Phillips.

Introduced; placed on special consent calendar.

**House Joint Resolution No. 0328** -- Memorials, Retirement -- Professor William H. Burks. by \*Fowlkes.

Introduced; placed on special consent calendar.

**House Joint Resolution No. 0334** -- Memorials, Death -- Chucky Mullins. by \*Walley.

Introduced; placed on special consent calendar.

**House Joint Resolution No. 0337** -- Memorials, Sports -- Wayne

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County High School football team. by \*McDaniel.

Introduced; placed on special consent calendar.

**House Joint Resolution No. 0338** -- Memorials, Sports -- Wayne County High School boys' basketball team. by \*McDaniel.

Introduced; placed on special consent calendar.

**House Joint Resolution No. 0339** -- Memorials, Sports -- Wayne County High School girls' basketball team. by \*McDaniel.

Introduced; placed on special consent calendar.

**\*Senate Joint Resolution No. 0151** -- Naming and Designating -- James W. Blackburn National Guard Armory, Cleveland.

Recalled from Calendar and Rules Committee; placed on special consent calendar.

**Senate Joint Resolution No. 0254** -- Memorials, Professional and Business Achievement -- Packaging Corporation of America.

Placed on special consent calendar.

Rep. Purcell moved that the resolutions on the Special Consent Calendar be introduced, recalled from committee, if appropriate, considered, and, pursuant to **Rule No. 50**, adopted or concurred in, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 1433** -- District Attorneys -- Authorizes

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employment of additional assistant district attorneys general and criminal investigators in 3rd judicial district. Amends TCA 16-2-506.

Further consideration of House Bill No. 1433, previously considered on May 1 and 6, 1991, at which time it was reset to the Calendar for May 9, 1991.

On motion, House Bill No. 1433 was made to conform with Senate Bill No. 1275.

On motion, **Senate Bill No. 1275**, on same subject, was substituted for House Bill No. 1433.

Rep. Johnson moved that **Senate Bill No. 1275** be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 2.

Rep. Johnson moved that **Senate Bill No. 1275** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	90
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Duer, Ferguson, Fowikes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Severance, Shirley, Sipes, Stamps, Tullis, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 90.

A motion to reconsider was tabled.

**House Bill No. 1085** -- Antique Dealers -- Permits use and possession of antique slot machines under certain circumstances. Amends TCA, Title 39, Ch. 17, Pt. 5.

Further consideration of House Bill No. 1085, previously considered on May 6, 1991, at which time it was reset to the Calendar for May 9, 1991.

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Rep. Moore moved that House Bill No. 1085 be reset one week to the Calendar for Thursday, May 16, 1991, which motion prevailed.

**\*Senate Bill No. 0763** -- Professions and Occupations -- Revises requirements for professional counselors. Amends TCA, Title 63, Ch. 22.

Further consideration of Senate Bill No. 763, previously considered on May 6, 1991, at which time it was substituted for House Bill No. 1155, Amendments Nos. 1 and 2 were withdrawn, and the bill was reset to the Calendar for May 9, 1991.

Rep. Duer moved that **Senate Bill No. 763** be passed on third and final consideration.

Rep. Herron moved to amend as follows:

**Amendment No. 3**

Amend Senate Bill No. 763 by adding in subdivision (3) of subsection (b) of Section 12 after the words "the state of Tennessee" the words "or another state with certification standards that are at least the equivalent of those of Tennessee".

On motion, Amendment No. 3 was adopted.

Rep. Herron moved to amend as follows:

**Amendment No. 4**

Amend Senate Bill No. 763 by adding the word and punctuation "divinity," in the second sentence of subdivision (3)(B) of Section 9 between the word "counseling" and the words "social work".

Rep. Duer moved that Amendment No. 4 be tabled, which motion prevailed by the following vote:

Ayes. . . . .	47
Noes. . . . .	44

Representatives voting aye were: Allen, Anderson, Bittle, Bivens, Byrd, Callicott, Chiles, Cole, Copeland, Davidson, Davis (Cocke), Davis (Knox), Duer, Garrett, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Head, Hill, Holcomb, Hubbard, Huskey, Joyce, Kent, Liles, McAfee, McDaniel, McKee, Meyer, Niceley, Nuber, Odom, Peroulas, Draper, Robinson (Davidson), Severance, Shirley, Sipes, Tullios, Turner (Shelby), Venable, Whitson, Williams (Union), Wix, Wood -- 47.

Representatives voting no were: Armstrong, Arriola, Bell,



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Bragg, Buck, Chumney, Clark, Collier, Crain, Cross, Curlee, Dixon, Ferguson, Fowlkes, Givens, Hargrove, Herron, Hillis, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kernell, King, Kisber, Knight, Moore, Napier, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Stamps, Tindell, Walley, West, Williams (Shelby), Windle, Winningham, Mr. Speaker Naifeh -- 44.

Thereupon, Rep. Duer moved that **Senate Bill No. 763**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	84
Noes. . . . .	8
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Liles, Love, McAfee, McDaniel, McKee, Meyer, Napier, Niceley, Nuber, Odom, Peroulas Draper, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Winningham, Wix, Wood -- 84.

Representatives voting no were: Bell, Ferguson, Hargrove, Kisber, Moore, Phillips, Windle, Mr. Speaker Naifeh -- 8.

Representatives present and not voting were: Knight -- 1.

**CHAIR TO DEBERRY**

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 1407** -- State Employees -- Prohibits public employee from working in different job classification without compensation.

Rep. Purcell moved that House Bill No. 1407 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 1407 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 30 is amended by adding the following as a new, appropriately titled part:

No career service employee shall be assigned to perform the majority of the duties and responsibilities of a position in a higher level classification than that of the position occupied by the employee without the approval of the appointing authority. When an employee is so assigned, the duration of such assignment may not exceed ninety (90) days without the approval of the commissioner. The commissioner and the commissioner of Finance and Administration shall establish a procedure under which an employee who is assigned to perform the majority of the duties and responsibilities of higher classification for a period in excess of ninety (90) days shall receive additional compensation for such assignment. Compensation awarded under this section shall be subject to budgetary limitations.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Purcell moved that House Bill No. 1407, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

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Representatives present and not voting were: Coffey -- 1.

A motion to reconsider was tabled.

**House Bill No. 1430** -- Public Contracts -- Increases interest rate on penalties. Amends TCA, Title 12, Ch. 4.

On motion, House Bill No. 1430 was made to conform with Senate Bill No. 827.

On motion, **Senate Bill No. 827**, on same subject, was substituted for House Bill No. 1430.

Rep. Purcell moved that **Senate Bill No. 827** be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend Senate Bill No. 827 by deleting in its entirety all the language following the enacting clause and by substituting instead the following language:

Section 1. Tennessee Code Annotated, Section 12-4-106(a) is amended by adding the words "computer program analyst services" between the words "educational consultant services", and the words "and similar services".

Section 2. This act shall take effect July 1, 1991, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 2.

Rep. Purcell moved to amend as follows:

**Amendment No. 3**

Amend Senate Bill No. 827 by inserting the language ", upon approval by two-thirds (2/3) vote of the governing body," between the word "shall" and the words "be procured" in the first sentence of the amendatory language of Section 1.

On motion, Amendment No. 3 was adopted.

Thereupon, Rep. Purcell moved that **Senate Bill No. 827**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes. . . . .	91
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: Hubbard -- 1.

A motion to reconsider was tabled.

**House Bill No. 1161** -- County Government -- Enacts "Charter Government Unification Act". Amends TCA, Title 7.

On motion, House Bill No. 1161 was made to conform with Senate Bill No. 629.

On motion, **Senate Bill No. 629**, on same subject, was substituted for House Bill No. 1161.

Rep. Severance moved that **Senate Bill No. 629** be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 2 as follows:

**Amendment No. 2**

Amend Senate Bill No. 629 by inserting the following language at the end of subsection (b) of Section 205 after the language: "Against a Home Rule Unified Government Charter \_\_\_\_."

For the Sheriff being the chief law enforcement officer \_\_\_\_.

Against the Sheriff being the chief law enforcement officer \_\_\_\_.

On motion, Amendment No. 2 was adopted, with Rep. Severance

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requesting to be recorded as voting no.

Thereupon, Rep. Severance moved that **Senate Bill No. 629**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	92
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: Stamps -- 1.

A motion to reconsider was tabled.

**House Bill No. 0288** -- Utilities, Utility Districts -- Alters method for selecting the board of commissioners for certain utility districts. Amends TCA, Title 7, Ch. 82.

Rep. Odom moved that House Bill No. 288 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 288 by deleting all language following the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 7-82-307, is amended by adding the following language as a new, appropriately designated subsection:

( ) Notwithstanding any provision of this chapter or any other law to the contrary, in any water utility district having more than three thousand (3,000) customers which serves, either directly or indirectly an area including portions of three (3) or more counties, one of which has a metropolitan form of

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government and contains the majority of such customers, upon petition of at least twenty percent (20%) of the customers of the water utility district to the county executive of the county in which the district is headquartered, a referendum shall be called on the question of whether the board of commissioners of the district, or an individual member or members thereof, should be ousted and a new board or member appointed. Upon receipt of the petition, the county executive shall require the county clerk, or the clerk of each county in which the district is located, to verify the names and status of the signers of the petition to ensure that they are bona fide customers of the district. If the petition does contain the names of at least twenty percent (20%) of the customers of the district, then the county executive shall forward the petition to the county election commission of each county involved. The county election commission shall then call a referendum on the question posed in the petition at the next regular August election to be held after it has received the petition. Any individual who is a customer of such district shall be qualified to vote in such referendum.

If in the referendum, a majority of the voting customers of the district, as verified by the county clerk or clerks, approves of the removal of the board of any member of it, then those positions will become vacant immediately. The legislative body of the county, from which such ousted member was appointed or elected, shall appoint a person to fill the vacant office. Such appointment shall be made in full compliance with any residential or geographical requirements that may apply to the office vacated. Upon appointing a person to fill such vacancy, the county legislative body shall certify the appointment to the county executive of each county which lies within the district's service area. For a period of four (4) years, no member ousted under the authority of this act shall be eligible for reappointment, reelection, or to participate in either the nomination, appointment, or election of new members by the county legislative body or by the board.

As used in this act, "customer" means an individual who receives bills from services from the water utility district and pays money for such services and who resides or is the owner of real property within the boundaries of the district.

Section 2. Tennessee Code Annotated, Section 7-82-307, is amended by adding the following language as a new, appropriately designated subsection:

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( ) Notwithstanding any provision of this chapter or any other law to the contrary, in any water utility district having more than three thousand (3,000) customers and which serves, either directly or indirectly, an area including portions of three (3) or more counties, one of which has a metropolitan form of government and contains the majority of such customers, within two (2) weeks after the occurrence of a vacancy in the office of any commissioner caused by death, resignation, disability, or forfeiture of office, except in cases of recall as prescribed hereinabove, and no later than thirty (3) days prior to the expiration of the term of office of any incumbent commissioner, the board of commissioner or its remaining members shall so notify the legislative body of the county from which the vacancy has occurred. The county legislative body shall select three (3) nominees to fill such office, in full accordance with all residential requirements that may apply to the office vacated or to be vacated, and shall certify such list of nominees, in order of preference recommended by the legislative body, to the chief executive officer of the county. Copies of such original certification shall be sent by the county legislative body to the chief executive officer of each county which lies within the district's service area. The various county chief executive officers may thereupon agree to a meeting time and meeting place to select such successor, and if they fail to so agree, within fifteen (15) days following the issuance of such certification by the county legislative body, the chief executive officer of the county to whom the original certification shall have been addressed shall notify all the other county chief executive officers entitled to participate in the appointment of the time, date, and place of a meeting scheduled to make such appointment, and at such date, time, and place, such county chief executive officers as may have assembled shall by majority vote fill the vacancy. In the event of a tie vote, the tied nominee whose name stood the highest on the list of nominees shall be the appointee. The county chief executive officer whom the list of nominees shall have been certified shall enter an order of record stating the mode of appointment. The appointee shall be a resident of the same county as his predecessor.

Section 3. This act shall take effect on becoming a law, the public welfare requiring it, but shall not be construed to abridge the current term of any person serving on a board of commissioners.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. Odom moved to amend as follows:

**Amendment No. 2**

Amend House Bill No. 288 by deleting all of the language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 7-82-307(c)(4) is amended by deleting the item in its entirety and by substituting instead the following:

This subsection shall not apply to districts serving counties having a metropolitan form of government; provided, however, that any water utility district having more than three thousand (3,000) customers which serves, either directly or indirectly, an area including portions of three (3) or more counties, one of which has a metropolitan form of government and contains a majority of such customers shall be subject to the provisions of this subsection.

Section 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Head moved the previous question, which motion prevailed.

On motion, Amendment No. 2 was adopted.

Rep. Gunnels moved that Amendment No. 3 be withdrawn, which motion prevailed.

Thereupon, Rep. Odom moved that **House Bill No. 288**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	84
Noes. . . . .	1
Present and not voting. . . . .	9

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrell, Hassell, Haun, Head, Herron, Hill, Hillis, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Stamps, Tindell, Turner (Shelby), Venable, West, Whitson, Williams (Shelby), Winningham, Wix, Wood, Mr. Speaker Naifeh -- 84.



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Representatives voting no were: Chiles -- 1.

Representatives present and not voting were: Callicott, Holcomb, Liles, Nuber, Rigsby, Tullios, Walley, Williams (Union), Windle -- 9.

A motion to reconsider was tabled.

**CHAIR TO SPEAKER**

Mr. Speaker Naifeh resumed the Chair.

**REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 0125 -- Wildlife Resources Commission --** Makes hunting, killing, ensnaring, or destroying, or the attempt to do so, wildlife except as permitted by commission, Class B misdemeanor, punishable only by fine. Amends TCA, Title 70.

Rep. Odom moved that House Bill No. 125 be passed on third and final consideration.

Rep. Hillis moved adoption of Conservation and Environment Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 125 by deleting Section 1 in its entirety and by substituting instead the following new section:

Section 1. Tennessee Code Annotated, Section 70-4-104, is amended by deleting the words and figure "not more than three (3)".

On motion, Amendment No. 1 was adopted.

Rep. Odom moved to amend as follows:

**Amendment No. 2**

Amend House Bill No. 125 by deleting all language following the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Title 70, Chapter 2, is amended by adding the following new section:

Section \_\_\_\_.

(a) Any person, firm, or corporation who purchases or otherwise obtains freshwater mussels taken from Tennessee waters for export from Tennessee shall pay to the Tennessee Wildlife Resources Agency

the amount equal to \$0.0145 per pound of mussel shells or \$0.0124 per pound of mussels (shell with meat) purchased or obtained.

(b) The payment to Tennessee Wildlife Resources Agency shall be calculated from receipts filled out by the buyer/exporter for each transaction. A copy of each receipt will be given to the seller and a copy retained by the buyer/exporter, and shall be made available by the buyer/exporter for inspection by agents of the Tennessee Wildlife Resources Agency or the Comptroller's office for a period of two (2) years. When mussels are exported without first going through a buyer/exporter, the method of payment shall be as described in rules and regulations promulgated by the Tennessee Wildlife Resources Commission. For purposes of this act, a buyer/exporter is any person, firm, or corporation who buys or otherwise obtains mussels from mussel harvesters or mussel buyers for exporting from Tennessee.

(c) Payments from buyer/exporters shall be made monthly, and must be received by the Tennessee Wildlife Resources Agency no later than the 15th day of the following month.

(d) Revenue from this act shall be used for mussel management, research, and enforcement.

(e) The penalty for violation of any of the provisions of this subsection shall be as a Class A misdemeanor.

Section 2. This act shall take effect July 1, 1991, the public welfare requiring it.

Rep. Collier moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes. . . . .	46
Noes. . . . .	39
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Bittle, Bivens, Byrd, Coffey, Cole, Collier, Davis (Knox), Duer, Fowlkes, Givens, Gunnels, Haley, Harrill, Hassell, Head, Herron, Hill, Holcomb, Hubbard, Jackson, Joyce, Liles, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Peroulas Draper, Pinion, Pruitt, Rigsby, Severance, Shirley, Sipes, Tindell, Tullos, Turner (Shelby), Venable, Walley, Williams (Shelby), Williams (Union), Windle, Wood -- 46.

Representatives voting no were: Armstrong, Arriola, Bragg, Buck, Callicott, Chiles, Chumney, Clark, Cross, Curlee, Davidson,

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DeBerry, Dixon, Ferguson, Garrett, Halteman, Hargrove, Haun, Hillis, Johnson, Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Love, McAfee, Odom, Phillips, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Stamps, West, Winningham, Mr. Speaker Naifeh -- 39.

Representatives present and not voting were: Whitson -- 1.

Rep. Gunnels moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Odom moved that House Bill No. 125, as amended, be reset one week to the Calendar for Thursday, May 16, 1991, which motion prevailed.

**House Bill No. 0936 -- Appeal and Review --** Specifies rules of appellate procedure applicable to appeals from claims commission. Amends TCA, Title 8, Ch. 42; Title 9, Ch. 8.

Rep. Buck moved that House Bill No. 936 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 936 by deleting Section 1 in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 9-8-307(a)(1)(L), is amended by deleting the words "for breach of a written contract" and by substituting instead the words "founded upon a written contract or breach thereof".

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Buck moved that **House Bill No. 936**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love,

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McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**\*House Bill No. 1203** -- Deeds -- Requires additional information on legal description of certain deeds of conveyance of real property. Amends TCA 66-24-121.

Rep. Phillips moved that House Bill No. 1203 be reset to the next available space to the Calendar for Monday, May 13, 1991, which motion prevailed.

**House Bill No. 1302** -- County Officers -- Removes certain paperwork requirements from sheriff for work release program. Amends TCA, Title 41, Ch. 2.

On motion, House Bill No. 1302 was made to conform with Senate Bill No. 56.

On motion, **Senate Bill No. 56**, on same subject, was substituted for House Bill No. 1302.

Rep. Kent moved that **Senate Bill No. 56** be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Kent moved that **Senate Bill No. 56** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	90
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Robinson (Davidson), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 90.

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A motion to reconsider was tabled.

**House Bill No. 1120** -- Judicial Officers -- Increases fees for certain services. Amends TCA 8-21-401, 30-2-306, 314, 55-8-132, 67-8-406.

Rep. Purcell moved that House Bill No. 1120 be reset to the next available space to the Calendar for Monday, May 13, 1991, which motion prevailed.

**\*House Joint Resolution No. 0234** -- Memorials, Government Officials -- Directs Department of Transportation to conduct cost survey for completion of U.S. 321 from Lenoir City to Blount County line as four-lane highway.

Rep. Gunnels moved that House Joint Resolution No. 234 be adopted.

Rep. Robinson (Davidson) moved adoption of Transportation Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Joint Resolution No. 234 by deleting the word "directed" in the first resolving clause of the printed resolution and substituting instead the word "requested".

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Gunnels moved that **House Joint Resolution No. 234**, as amended, be adopted, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

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**House Joint Resolution No. 0260 --** Memorials, Government Officials -- Urges issuance of stamp to honor James K. Polk.

Rep. Napier moved that House Joint Resolution No. 260 be adopted, with the request that all members voting aye be added as sponsors, which motion prevailed by the following vote:

Ayes. . . . .	88
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Herron, Hill, Hillis, Holcomb, Hubbard, Jackson, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 88.

A motion to reconsider was tabled.

**House Bill No. 0791 --** Education -- Repeals Title 49. Amends TCA, Title 49.

Rep. Davidson moved that House Bill No. 791 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 791 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 49-5-5701, is amended by adding the following language at the end of subsection (b):

Attendance of principals or administrators shall not be under the control of the commissioner but shall be subject to the control of the respective local education agency.

SECTION 2. Tennessee Code Annotated, Section 49-5-5703 (a), is amended by deleting subdivision (1) in its entirety.

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SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Davidson moved that **House Bill No. 791**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	86
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Herron, Hill, Hillis, Holcomb, Hubbard, Jackson, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Stamps, Tindell, Tullios, Turner (Shelby), Venable, Walley, West, Williams (Shelby), Williams (Union), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 86.

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from not voting to aye on House Bill No. 791 and have this statement entered in the Journal.

Rep. Zane Whitson

#### REGULAR CALENDAR, CONTINUED

**House Bill No. 1434** -- District Attorneys -- Authorizes additional assistant district attorney general position for 15th judicial district.

Rep. Winningham moved that House Bill No. 1434 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

#### Amendment No. 1

House Bill No. 1434 by adding the following new section immediately preceding the last section and by renumbering the

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subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the General Appropriations Act. The Tennessee Code Commission is directed not to codify this section of this bill.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Winningham moved that **House Bill No. 1434**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	85
Noes. . . . .	0
Present and not voting. . . . .	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Herron, Hill, Hillis, Hubbard, Jackson, Johnson, Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Stamps, Tindell, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 85.

Representatives present and not voting were: Holcomb, Tullos -- 2.

A motion to reconsider was tabled.

**House Bill No. 0782** -- Hickman County -- Increases severance tax on phosphate rock. Amends Chapter 92, Private Acts of 1979.

Further consideration of House Bill No. 782, previously considered on March 11 and 13, 1991, when it failed for lack of a Constitutional Majority and was re-referred to the Calendar and Rules Committee, which reset the bill to the Calendar for May 9, 1991.

On motion, House Bill No. 782 was made to conform with Senate Bill No. 990.

On motion, **Senate Bill No. 990**, on same subject, was substituted for House Bill No. 782.

Rep. Jackson moved that **Senate Bill No. 990** be passed on third



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and final consideration.

Rep. Jackson moved to amend as follows:

**Amendment No. 1**

Amend Senate Bill No. 990 by deleting the language "fifteen cents (15¢)" in Section 1 and by substituting instead the language "ten cents (10¢)".

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Jackson moved that **Senate Bill No. 990**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	74
Noes. . . . .	7
Present and not voting. . . . .	4

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), Duer, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Herron, Hill, Holcomb, Hubbard, Jackson, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Stamps, Tindell, Tullos, Venable, West, Whitson, Williams (Shelby), Winningham, Wood, Mr. Speaker Naifeh -- 74.

Representatives voting no were: Ferguson, Hillis, Napier, Rhinehart, Severance, Shirley, Turner (Shelby) -- 7.

Representatives present and not voting were: Chumney, Walley, Williams (Union), Windle -- 4.

A motion to reconsider was tabled.

**House Bill No. 1389** -- Fiduciaries -- Allows banks and trust companies to invest assets in certain investment companies or trusts with no conflict of interest. Amends TCA 35-3-117.

On motion, House Bill No. 1389 was made to conform with Senate Bill No. 724.

On motion, **Senate Bill No. 724**, on same subject, was substituted for House Bill No. 1389.

Rep. Williams (Shelby) moved that **Senate Bill No. 724** be passed on third and final consideration, which motion prevailed by the

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following vote:

Ayes. . . . .	84
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Herron, Hill, Hillis, Holcomb, Hubbard, Johnson, Jones U (Shelby), Joyce, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 84.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on Senate Bill No. 724 and have this statement entered in the Journal.

Rep. Maria Peroulas Draper

REGULAR CALENDAR, CONTINUED

House Bill No. 1438 -- Alcoholic Beverages -- Decreases days a restaurant must be open to serve alcoholic beverages. Amends TCA 57-4-102.

On motion, House Bill No. 1438 was made to conform with Senate Bill No. 125.

On motion, Senate Bill No. 125, on same subject, was substituted for House Bill No. 1438.

Rep. Williams (Shelby) moved passage of Senate Bill No. 125 on third and final consideration, which motion failed by the following vote:

Ayes. . . . .	40
Noes. . . . .	39
Present and not voting. . . . .	5

Representatives voting aye were: Allen, Armstrong, Chiles, Chumney, Coffey, Collier, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Garrett, Givens, Hassell, Haun, Hubbard, Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Liles, Love, McKee, Napier,

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Niceley, Nuber, Peroulas Draper, Phillips, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Severance, Tindell, Turner (Shelby), West, Whitson, Williams (Shelby), Mr. Speaker Naifeh -- 40.

Representatives voting no were: Anderson, Arriola, Bivens, Byrd, Callicott, Crain, Cross, Curlee, Davidson, Duer, Ferguson, Fowlkes, Gunnels, Haley, Halteman, Harrill, Herron, Hill, Hillis, Holcomb, Jackson, Johnson, Joyce, McAfee, McDaniel, Meyer, Moore, Odom, Pinion, Ridgeway, Rinks, Robinson (Hamilton), Sipes, Stamps, Tullos, Walley, Windle, Winningham, Wood -- 39.

Representatives present and not voting were: Bragg, Hargrove, Rigsby, Venable, Williams (Union) -- 5.

Pursuant to **Rule No. 39**, Senate Bill No. 125, having failed to receive a constitutional majority, was re-referred to the Calendar and Rules Committee.

**House Bill No. 1460** -- Metropolitan Government -- Authorizes certain legislative bodies to establish fees to be charged for provision of computer generated maps. Amends TCA, Title 10, Ch. 7.

On motion, House Bill No. 1460 was made to conform with Senate Bill No. 1465.

On motion, **Senate Bill No. 1465**, on same subject, was substituted for House Bill No. 1460.

Rep. West moved that **Senate Bill No. 1465** be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend Senate Bill No. 1465 by deleting Sections 1 and 2 in their entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 10-7-506, is amended by adding the following language as an appropriately designated new subsection:

( ) (1) If a request is made for a copy of a public record that has commercial value and such request requires the reproduction of all or a portion of a computer generated map or other similar geographic data that was developed with public funds, the legislative body of any county to which this subsection applies may establish and impose reasonable fees for the reproduction of such record in addition to any fees or charges that may lawfully be imposed pursuant to this section. The additional fees authorized by this subsection may not be assessed

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against individuals who request copies of records for themselves or when the record requested does not have commercial value.

(2) The additional fees authorized by this subsection shall relate to the actual development costs of such maps or geographic data and may include:

(A) Labor costs;

(B) Costs incurred in design, development, testing, implementation and training; and

(C) Costs necessary to ensure that the map or data is accurate, complete and current including the cost of adding to, updating, modifying and deleting information.

(3) The total collections for the additional fees authorized by this subsection shall not exceed the total development costs of the system producing the maps or geographic data. Once such additional fees have paid the total development costs of the system, such fees shall be adjusted to generate only the amount necessary to maintain the data and ensure that it is accurate, complete and current for the life of the particular system.

(4) As used in this subsection "commercial value" means a record that may be used for commercial real estate development or related activities and for which a monetary profit may be realized.

(5) The provisions of this subsection shall apply only in counties having a population of not less than four hundred and sixty thousand (460,000) nor more than four hundred and eighty thousand (480,000) according to the 1980 federal census of population or any subsequent federal census.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. West moved that Senate Bill No. 1465, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	84
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong,

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Arriola, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Duer, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Herron, Hill, Hillis, Holcomb, Hubbard, Jackson, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 84.

Representatives present and not voting were: Stamps -- 1.

A motion to reconsider was tabled.

**House Bill No. 1457** -- Firefighters -- Creates presumption for certain full time firefighters that condition of cancer arose from course of employment. Amends TCA, Title 7, Ch. 51, Pt. 2.

On motion, House Bill No. 1457 was made to conform with Senate Bill No. 1063.

On motion, **Senate Bill No. 1063**, on same subject, was substituted for House Bill No. 1457.

Rep. West moved that **Senate Bill No. 1063** be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. Garrett moved to amend as follows:

**Amendment No. 2**

Amend Senate Bill No. 1063 by deleting from the first sentence of Section 2 the words "there is established" and substituting instead the words "may establish by ordinance".

On motion, Amendment No. 2 was adopted.

Rep. West moved that **Senate Bill No. 1063** be passed on third and final consideration, after withdrawing the motion, Rep. West moved that Senate Bill No. 1063 be reset to the Calendar for Monday, May 13, 1991, which motion prevailed.

**\*House Bill No. 0015** -- Election Laws -- Establishes contribution limits. Amends TCA, Title 2, Ch. 10.

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Rep. Kisber moved that House Bill No. 15 be reset to the first available space to the Calendar for Thursday, May 16, 1991, which motion prevailed.

**House Bill No. 1288 -- Utilities, Utility Districts --** Authorizes NES board to set fees to be charged for providing copies of computer generated maps to public. Amends TCA, Title 7, Ch. 52.

On motion, House Bill No. 1288 was made to conform with Senate Bill No. 1273.

On motion, **Senate Bill No. 1273**, on same subject, was substituted for House Bill No. 1288.

Rep. Arriola moved that **Senate Bill No. 1273** be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 1273 by deleting the amendatory language of Section 1 and substituting instead the following:

Section \_\_\_\_\_. ( ) (1) If a request is made for a copy of a public record that has commercial value and such request requires the reproduction of all or a portion of a computer generated map that was developed by an electric system owned and operated by a metropolitan government, the board of directors of any such system may establish and impose reasonable fees for the reproduction of such map in addition to any fees or charges that may lawfully be imposed pursuant to Tennessee Code Annotated, Section 10-7-506. The additional fees authorized by this subsection may not be assessed against individuals who request copies of such maps for themselves or when the map requested does not have commercial value.

(2) The additional fees authorized by this section shall relate to the actual development costs of such maps and may include:

(A) Labor costs;

(B) Costs incurred in design, development, testing, implementation and training; and

(C) Costs necessary to ensure that the map is accurate, complete and current including the cost of adding to, updating, modifying and deleting information.

(3) The total collections for the additional fees

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authorized by this section shall not exceed the total development costs of the system producing the maps. Once such additional fees have paid the total development costs of the system, such fees shall be adjusted to generate only the amount necessary to maintain the data and ensure that it is accurate, complete and current for the life of the particular system.

(4) As used in this subsection "commercial value" means a record that may be used for commercial real estate development or related activities and for which a monetary profit may be realized.

(5) The provisions of this section shall apply only to electric systems owned and operated by a metropolitan government in counties having a population of not less than four hundred and sixty thousand (460,000) nor more than four hundred and eighty thousand (480,000) according to the 1980 federal census of population or any subsequent federal census.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Arriola moved that **Senate Bill No. 1273**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	82
Noes. . . . .	2
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Haun, Hill, Hillis, Holcomb, Hubbard, Jackson, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Williams (Shelby), Williams (Union), Winningham, Wood, Mr. Speaker Naifeh -- 82.

Representatives voting no were: Stamps, Windle -- 2.

Representatives present and not voting were: Whitson -- 1.

A motion to reconsider was tabled.

**\*Senate Bill No. 0454** -- Election Laws -- Enacts  
"Anti-Skulduggery Act of 1991". Amends TCA 2-5-101.

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Further consideration of Senate Bill No. 454, previously considered on April 25, 1991, when it was substituted for House Bill No. 1359; then considered on April 29, May 1 and 6, 1991, at which time it was reset to the Calendar for May 9, 1991.

Rep. Knight moved that **Senate Bill No. 454** be passed on third and final consideration.

Rep. Knight moved to amend as follows:

**Amendment No. 1**

Amend Senate Bill No. 454 by deleting the words "that nomination" in the fifth line of sub-section (1) of Section 2 and inserting the words "the nomination of any party holding a primary for that office".

On motion, Amendment No. 1 was adopted.

Rep. Knight moved to amend as follows:

**Amendment No. 2**

Amend Senate Bill No. 454 by deleting Section 2 in its entirety and replacing it with the following:

SECTION 2. Tennessee Code Annotated, Section 2-5-101, is amended by adding the following as a new subsection:

( ) (1) Notwithstanding any provision of 2-5-101 to the contrary additional candidates may qualify for an office by qualifying as provided by law no later than twelve o'clock (12:00) noon, prevailing time, on the seventh day after the original withdrawal deadline, if an incumbent of such office is a candidate for a primary or a nonpartisan general election or is nominated by a political party by a means other than primary election for such office, and if such incumbent dies or properly withdraws on the last day for qualifying or prior to twelve o'clock (12:00) noon, prevailing time, on the seventh day after the qualifying deadline.

(2) If an incumbent withdraws during the period specified in subdivision (1), the provisions of this act shall operate to:

(A) extend the period to qualify for the primary election of each political party holding a primary for that office;

(B) extend the period during which a political party that would have been authorized by law to nominate a candidate for the office by



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a means other than primary election, but did not do so prior to the withdrawal of the incumbent; and

(C) extend the period a person may qualify for a nonpartisan general election.

(3) Any request to withdraw by such additional candidates shall be filed no later than twelve o'clock (12:00) noon, prevailing time, on the fourth day after the new qualifying deadline.

Thereupon, Rep. Knight renewed the motion to adopt Amendment No. 2, which prevailed by the following vote:

Ayes. . . . .	46
Noes. . . . .	37
Present and not voting. . . . .	1

Representatives voting aye were: Armstrong, Arriola, Bivens, Bragg, Buck, Byrd, Chumney, Collier, Crain, Cross, Curlee, Davidson, Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Hargrove, Herron, Hillis, Jackson, Johnson, Jones U (Shelby), Kernell, King, Kisber, Knight, Love, Moore, Napier, Odom, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Severance, Tindell, Turner (Shelby), West, Williams (Shelby), Windle, Winningham, Mr. Speaker Naifeh -- 46.

Representatives voting no were: Allen, Anderson, Bittle, Chiles, Coffey, Cole, Copeland, Davis (Cocke), Duer, Givens, Gunnels, Haley, Halteman, Harrill, Haun, Hill, Holcomb, Hubbard, Joyce, Kent, Liles, McAfee, McDaniel, Meyer, Niceley, Nuber, Peroulas Draper, Rigsby, Shirley, Sipes, Stamps, Tullos, Venable, Walley, Whitson, Williams (Union), Wood -- 37.

Representatives present and not voting were: McKee -- 1.

Rep. Knight moved that **Senate Bill No. 454** be passed on third and final consideration.

Rep. Herron moved the previous question, which motion failed by the following vote:

Ayes. . . . .	47
Noes. . . . .	36

Representatives voting aye were: Armstrong, Arriola, Bittle, Bivens, Bragg, Buck, Byrd, Chumney, Collier, Crain, Cross, Curlee, Davidson, Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Gunnels, Halteman, Hargrove, Herron, Hillis, Jackson, Johnson, Kernell, Kisber, Knight, Love, McAfee, Moore, Napier, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Robinson (Davidson), Severance, Turner (Shelby), West, Windle, Winningham, Wood -- 47.

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Representatives voting no were: Allen, Anderson, Chiles, Coffey, Cole, Copeland, Davis (Cocke), Duer, Givens, Haley, Haun, Hill, Holcomb, Hubbard, Jones U (Shelby), Joyce, Kent, King, Liles, McDaniel, McKee, Meyer, Niceley, Nuber, Peroulas Draper, Robinson (Hamilton), Shirley, Sipes, Stamps, Tindell, Tullos, Venable, Walley, Whitson, Williams (Shelby), Williams (Union) -- 36.

Thereupon, Rep. Knight moved that **Senate Bill No. 454** be passed on third and final consideration.

Rep. Bivens moved that Senate Bill No. 454 be reset to the Calendar for Monday, May 13, 1991, which motion prevailed.

**House Bill No. 0787** -- Education -- Provides employment protection for parents or legal guardians required to attend child's school for certain purposes. Amends TCA, Title 50, Ch. 1, Pt. 3.

Further consideration of House Bill No. 787, previously considered on May 6, 1991, at which time it was reset to the Calendar for May 9, 1991.

Rep. Jackson moved that House Bill No. 787 be passed on third and final consideration.

Rep. R. Jones moved to amend as follows:

**Amendment No. 1**

Amend House Bill No. 787 by deleting from subsection (a) of Section 3 the words and figures "twenty-five (25)" and by substituting the words and figures "sixty (60)".

Rep. Jackson moved that Amendment No. 1 be tabled, which motion failed by the following vote:

Ayes. . . . .	40
Noes. . . . .	45
Present and not voting. . . . .	2

Representatives voting aye were: Arriola, Bivens, Buck, Byrd, Clark, Collier, Crain, Cross, Davidson, Davis (Cocke), Davis (Knox), Ferguson, Givens, Hassell, Herron, Hill, Hillis, Huskey, Johnson, Kernell, Kisber, Knight, McAfee, Meyer, Moore, Napier, Odom, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Walley, West, Williams (Shelby), Winningham, Mr. Speaker Naifeh -- 40.

Representatives voting no were: Allen, Anderson, Armstrong, Bell, Bittle, Chiles, Chumney, Coffey, Cole, Curlee, DeBerry, Dixon, Duer, Fowlkes, Haley, Halteman, Harrill, Haun, Holcomb, Hubbard, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, King, Liles, Love, McDaniel, McKee, Niceley, Nuber, Peroulas Draper, Phillips, Robinson (Hamilton), Severance, Sipes, Stamps, Tindell, Tullos, Turner

**THURSDAY, MAY 9, 1991 -- FORTY-FIFTH LEGISLATIVE DAY**

(Shelby), Venable, Whitson, Williams (Union), Windle, Wood -- 45.

Representatives present and not voting were: Bragg, Callicott -- 2.

Thereupon, Rep. R. Jones renewed the motion to adopt Amendment No. 1.

Rep. Buck moved the previous question, which motion prevailed.

On motion, Amendment No. 1 was adopted.

Rep. Jackson moved that **House Bill No. 787** be re-referred to the Calendar and Rules Committee, which motion prevailed.

**House Bill No. 0819** -- Home Improvement Contractors -- Expands application of Home Improvement Law. Amends TCA, Title 62, Ch. 37.

Rep. Byrd moved that House Bill No. 819 be passed on third and final consideration, after withdrawing the motion, Rep. Byrd moved that House Bill No. 819 be reset to the next available space to the Calendar for Monday, May 13, 1991, which motion prevailed.

**MESSAGE CALENDAR**

**MOTION TO RECONSIDER**

Rep. West moved to lift from the table the motion to reconsider Senate Bill No. 77, which motion prevailed.

**Senate Bill No. 0077** -- Salaries and Benefits -- Increases fines for violation of certain wage regulations; permits department to inspect employer's records during certain hours. Amends TCA 50-2-103.

Rep. West moved to reconsider action in passing Senate Bill No. 77, which motion prevailed.

On motion, the House reconsidered its action in adopting Amendment No. 1. On motion, Amendment No. 1 was withdrawn.

Rep. West moved that **Senate Bill No. 77** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	59
Noes. . . . .	21
Present and not voting. . . . .	3

Representatives voting aye were: Anderson, Armstrong, Arriola, Bivens, Bragg, Buck, Byrd, Chumney, Cole, Collier, Copeland, Cross, Davidson, Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Garrett,

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Givens, Haley, Halteman, Hargrove, Herron, Hillis, Johnson, Kent, Kernell, King, Kisber, Knight, Love, McAfee, McKee, Meyer, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Tindell, Turner (Shelby), Walley, West, Williams (Shelby), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 59.

Representatives voting no were: Allen, Bittle, Callicott, Chiles, Coffey, Crain, Davis (Cocke), Duer, Gunnels, Harrill, Hill, Holcomb, Hubbard, Joyce, Liles, McDaniel, Nuber, Sipes, Stamps, Tullos, Venable -- 21.

Representatives present and not voting were: Haun, Whitson, Williams (Union) -- 3.

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Bill No. 1175** -- Highways, Roads and Bridges -- Expands portion of State Highway 100 designated as scenic highway. Amends TCA 54-17-114.

**Senate Amendment No. 4**

Amend House Bill No. 1175 by deleting Section 1 in its entirety and by substituting in lieu thereof the following:

"Section 1. TCA 54-17-114(a)(1)(F) is amended by deleting the subsection in its entirety and by substituting in lieu thereof the following:

'(F) Those portions of State Highway 100 in Davidson County from its intersection with Cheekwood Terrace south to its intersection with the Harpeth River and from its intersection with McCrory Lane south to its intersection with the South Harpeth River, and all of State Highway 251 in Davidson County, and that portion of State Highway 254 (Old Hickory Boulevard) from its intersection with State Highway 100 east to its intersection with Granny White Pike;' "

Rep. Odom moved that the House concur in Senate Amendment(s) No(s). 4 to **House Bill No. 1175**, which motion prevailed by the following vote:

Ayes. . . . .	83
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles,

**THURSDAY, MAY 9, 1991 -- FORTY-FIFTH LEGISLATIVE DAY**

Chumney, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Haun, Herron, Hill, Hillis, Holcomb, Hubbard, Johnson, Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 83.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE  
May 9, 1991**

MR SPEAKER: I am directed to return to the House, House Bill(s) No(s). 861; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**UNFINISHED BUSINESS**

**SENATE BILL RETURNED**

There being no objection, Rep. Head asked that the Clerk be directed to return Senate Bill No. 1012 to the Senate as requested.

**BILLS WITHDRAWN**

On motion of Rep. McAfee, House Bill No. 55 was recalled from the Transportation Committee.

On motion of Rep. McAfee, House Bill No. 55 was withdrawn from the House.

On motion of Rep. Kent, House Bill No. 1299 was recalled from the Finance, Ways and Means Committee.

On motion of Rep. Kent, House Bill No. 1299 was withdrawn from the House.

**NOTICE TO ACT ON SENATE MESSAGES**

Pursuant to the suspension of Rule No. 59, notice was given that the following measure(s) from the Senate would be considered on Monday, May 13, 1991:

**THURSDAY, MAY 9, 1991 -- FORTY-FIFTH LEGISLATIVE DAY**

**House Bill No. 39:** Rep. King.

**House Bill No. 71:** Rep. Odom.

**House Bill No. 217:** Rep. Odom.

**House Bill No. 237:** Rep. King.

**House Bill No. 325:** Rep. Allen.

**House Bill No. 457:** Rep. Collier.

**Senate Bill No. 633:** Rep. Herron.

**House Bill No. 861:** Rep. Robinson (Davidson).

**House Bill No. 1351:** Rep. Bittle.

**Senate Bill No. 128:** Rep. Purcell.

**MOTION**

Rep. Purcell moved that the House change the adjournment for reconvening on Monday, May 13, 1991 at 5:00 p.m. to Monday, May 13, 1991 at 4:00 p.m., which motion prevailed.

**MESSAGE FROM THE SENATE**

**May 9, 1991**

**MR. SPEAKER:** I am directed to return to the House, House Joint Resolution No. 14 -- To amend Constitution of Tennessee, lotteries.

The resolution passed three readings in the Senate by a roll call vote in accordance with Article XI, Section 3, Constitution of the State of Tennessee.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**SPONSORS ADDED**

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 122:** Rep(s). Davidson as prime sponsor(s).

**House Bill No. 784:** Rep(s). Fowkles as prime sponsor(s).

**House Bill No. 791:** Rep(s). Davis (Knox) as prime sponsor(s).

**House Bill No. 1120:** Rep(s). Williams (Shelby) as prime sponsor(s).

**THURSDAY, MAY 9, 1991 -- FORTY-FIFTH LEGISLATIVE DAY**

**House Bill No. 1187:** Rep(s). Walley as prime sponsor(s).

**House Bill No. 1389:** Rep(s). Dixon as prime sponsor(s).

**House Bill No. 1396:** Rep(s). U. Jones as prime sponsor(s).

**House Bill No. 1407:** Rep(s). Dixon as prime sponsor(s).

**REQUESTS TO BE ADDED AS SPONSORS**

The following members requested to add their names as sponsors as indicated below, the prime sponsor having agreed to such addition. Sponsorship was not granted since request was made after passage of said bill.

**House Bill No. 1601:** Rep(s) Liles as prime sponsor(s).

**SPONSORS REMOVED**

On motion, Rep. Kent was removed as sponsor of **House Bill No. 1396**.

**INTRODUCTION OF RESOLUTIONS**

On motion, the resolution(s) listed was/were introduced and referred as noted:

**House Resolution No. 0095** -- Memorials, Interns -- Thomas James Ford. by \*Tindell, \*Armstrong.

Referred by the Speaker to the Calendar and Rules Committee.

**House Resolution No. 0096** -- Memorials, Congratulations -- Winnie Cheairs - Volunteer of the Year. by \*Walley.

Referred by the Speaker to the Calendar and Rules Committee.

**House Resolution No. 0098** -- Memorials, Heroism -- Ripley National Guard Unit. by \*Crain.

Referred by the Speaker to the Calendar and Rules Committee.

**House Resolution No. 0101** -- Memorials, Sports -- Clarkrange Junior High School girls' basketball team. by \*Windle.

Referred by the Speaker to the Calendar and Rules Committee.

**House Resolution No. 0102** -- Memorials, Personal Occasion -- Louis and Georgia Dagley, 50th wedding anniversary. by \*Windle.

Referred by the Speaker to the Calendar and Rules Committee.

**THURSDAY, MAY 9, 1991 -- FORTY-FIFTH LEGISLATIVE DAY**

**House Resolution No. 0103** -- Memorials, Heroism -- Fentress countians serving in Middle East. by \*Windle.

Referred by the Speaker to the Calendar and Rules Committee.

**House Resolution No. 0104** -- Memorials, Interns -- Ella Elyse Cullum. by \*Givens, \*Curlee.

Referred by the Speaker to the Calendar and Rules Committee.

**House Resolution No. 0105** -- Memorials, Interns -- Paul Winebarger. by \*Givens.

Referred by the Speaker to the Calendar and Rules Committee.

**House Resolution No. 0107** -- Memorials, Sports -- Charles McRae. by \*Williams M.

Referred by the Speaker to the Calendar and Rules Committee.

**House Resolution No. 0108** -- Memorials, Recognition and Thanks -- John J. Faris. by \*Williams M.

Referred by the Speaker to the Calendar and Rules Committee.

**House Joint Resolution No. 0326** -- Memorials, Personal Achievement -- Weakley County valedictorians and salutatorians. by \*Herron.

Referred by the Speaker to the Calendar and Rules Committee.

**House Joint Resolution No. 0329** -- Memorials, Sports -- Coach Thomas Watson. by \*Winningham.

Referred by the Speaker to the Calendar and Rules Committee.

**House Joint Resolution No. 0330** -- Memorials, Sports -- Oneida High School football team. by \*Winningham.

Referred by the Speaker to the Calendar and Rules Committee.

**House Joint Resolution No. 0331** -- Memorials, Sports -- Oneida High School girls' basketball team. by \*Winningham.

Referred by the Speaker to the Calendar and Rules Committee.

**House Joint Resolution No. 0332** -- Memorials, Sports -- Celina High School football team. by \*Winningham.

Referred by the Speaker to the Calendar and Rules Committee.

**House Joint Resolution No. 0333** -- Memorials, Recognition and Thanks -- Harold and Marie Willis. by \*Curlee.

Referred by the Speaker to the Calendar and Rules Committee.



**THURSDAY, MAY 9, 1991 -- FORTY-FIFTH LEGISLATIVE DAY**

**House Joint Resolution No. 0335** -- Memorials, Public Service -- Mary Bolt, Girl Scouts. by \*Huskey, \*Davis R E.

Referred by the Speaker to the Calendar and Rules Committee.

**House Joint Resolution No. 0336** -- Memorials, Death -- Chucky Mullins. by \*Sipes.

Referred by the Speaker to the Calendar and Rules Committee.

**House Joint Resolution No. 0340** -- Memorials, Personal Occasion -- Ralph and Clara Adams, 50th Wedding Anniversary. by \*Byrd.

Referred by the Speaker to the Calendar and Rules Committee.

**House Joint Resolution No. 0341** -- Memorials, Sports -- Huntsville Middle School girls' basketball team, T-N-T Class A state champions. by \*Winningham.

Referred by the Speaker to the Calendar and Rules Committee.

**House Joint Resolution No. 0342** -- Memorials, Heroism -- Ripley National Guard Unit. by \*Crain.

Referred by the Speaker to the Calendar and Rules Committee.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

On motion, the resolutions listed were referred as noted:

**Senate Joint Resolution No. 0228** -- Memorials, Heroism -- Kingsport Memorial Gardens Park Military Monument.

Referred by the Speaker to the Calendar and Rules Committee.

**Senate Joint Resolution No. 0230** -- Memorials, Public Service -- Tom Wesley, Honorary Tennessee Colonel.

Referred by the Speaker to the Calendar and Rules Committee.

**Senate Joint Resolution No. 0231** -- Memorials, Public Service -- Recycle America Tri-Cities Recycling Center.

Referred by the Speaker to the Calendar and Rules Committee.

**Senate Joint Resolution No. 0233** -- Memorials, Interns -- Michael Coulter.

Referred by the Speaker to the Calendar and Rules Committee.

**Senate Joint Resolution No. 0237** -- Memorials, Congratulations -- Clinton Elementary School Chess Club Champions.

**THURSDAY, MAY 9, 1991 -- FORTY-FIFTH LEGISLATIVE DAY**

Referred by the Speaker to the Calendar and Rules Committee.

**Senate Joint Resolution No. 0238 -- Memorials, Public Service**  
-- Jack Seaton.

Referred by the Speaker to the Calendar and Rules Committee.

**Senate Joint Resolution No. 0240 -- Memorials, Personal Achievement** -- Gil Geidreich.

Referred by the Speaker to the Calendar and Rules Committee.

**Senate Joint Resolution No. 0241 -- Memorials, Personal Achievement** -- Kelly Powell.

Referred by the Speaker to the Calendar and Rules Committee.

**Senate Joint Resolution No. 0242 -- Memorials, Heroism** -- Kelly Phillips.

Referred by the Speaker to the Calendar and Rules Committee.

**Senate Joint Resolution No. 0245 -- Memorials, Professional and Business Achievement** -- James M. Ryan.

Referred by the Speaker to the Calendar and Rules Committee.

**Senate Joint Resolution No. 0253 -- Memorials, Interns** -- Stephanie Nails.

Referred by the Speaker to the Calendar and Rules Committee.

**Senate Joint Resolution No. 0266 -- Memorials, Heroism** -- Johnny Todd Dyer.

Referred by the Speaker to the Calendar and Rules Committee.

**RESOLUTIONS LYING OVER**

On motion, the resolutions(s) listed was/were referred as noted:

**\*Senate Joint Resolution No. 0235 -- Memorials, Government Officials** -- Urges department of transportation to cooperate with Memphis Planning Office in completing improvements to certain portion of Horn Lake Road.

Referred by the Speaker to the Calendar and Rules Committee.

**INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**THURSDAY, MAY 9, 1991 -- FORTY-FIFTH LEGISLATIVE DAY**

**\*House Bill No. 1591** -- Highways, Roads and Bridges -- Puts Scott County under Uniform County Highway Law. Amends TCA 54-7-104. by \*Winningham.

Passed first consideration.

**\*House Bill No. 1608** -- Election Laws -- Extends voting privileges to non-resident property owners in Spring City who own at least 8,000 square feet of real property in the city subject to 2/3 approval of board of commissioners. Amends TCA 6-20-106. by \*Duer.

Passed first consideration.

**House Bill No. 1610** -- Chester County -- Revises purchasing provisions. Amends Chapter 227, Private Acts of 1949, as amended. by \*Walley, \*Sipes.

Passed first consideration.

**House Bill No. 1611** -- Carthage -- Repeals city charter; enacts new corporate charter. Amends Chapter 186, Acts of 1901, as amended. by \*Buck.

Passed first consideration.

**House Bill No. 1613** -- Kingsport -- Revises charter. Amends Chapter 76, Private Acts of 1917, as amended. by \*Hubbard.

Passed first consideration.

**SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk as noted:

**\*Senate Bill No. 0006** -- Judicial Districts -- Requires chancellor of fourth judicial district to continue serving fifth judicial district. Amends TCA 16-2-506. (HB 0364).

Held pending third consideration of companion House Bill.

**Senate Bill No. 0064** -- Firearms and Ammunition -- Removes requirement that weapons must be carried with intent to go armed on school property or in public parks in order to be unlawful. Amends TCA, Title 39, Ch. 17, Pt. 13. (\*HB 0032).

Held pending third consideration of companion House Bill.

**\*Senate Bill No. 0383** -- Drugs -- Establishes possessing and distributing drugs near certain areas as enhancement factor. Amends TCA 40-35-114. (HB 1055).

Held pending third consideration of companion House Bill.

**THURSDAY, MAY 9, 1991 -- FORTY-FIFTH LEGISLATIVE DAY**

**\*Senate Bill No. 0631** -- Environmental Preservation -- Establishes Tennessee Environmental Protection Fund. Amends TCA, Titles 68, 69. (HB 1089).

Held pending third consideration of companion House Bill.

**\*Senate Bill No. 0894** -- District Attorneys -- Adds additional criminal investigator and secretary to 10th judicial district; appropriates funds. Amends TCA 16-2-506. (HB 0795).

Held pending third consideration of companion House Bill.

**\*Senate Bill No. 0995** -- Criminal Offenses -- Creates offense of fraudulent transfer of motor vehicle. Amends TCA, Title 39, Ch. 14, Pt. 1. (HB 0893).

Held pending third consideration of companion House Bill.

**Senate Bill No. 1046** -- Courts, General Sessions -- Creates new general sessions court in Shelby County. Amends Chapter 772, Public Acts of 1982. (\*HB 0205).

Held pending third consideration of companion House Bill.

**\*Senate Bill No. 1326** -- Handicapped Persons -- Creates mechanism for procurement of goods and services from certain handicapped persons. Amends TCA 4-29-213; Title 71, Ch. 4. (HB 1219).

Held pending third consideration of companion House Bill.

**Senate Bill No. 1358** -- Agriculture -- Enacts "Tennessee Aquaculture Policy Act of 1991". Amends TCA, Title 43. (\*HB 0996).

Held pending third consideration of companion House Bill.

**HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted:

**House Bill No. 1607** -- Crossville -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

**REPORTS FROM STANDING COMMITTEES**

**STATE AND LOCAL GOVERNMENT  
May 9, 1991**

MR. SPEAKER: Your State and Local Government Committee reports that we have carefully considered and that, pursuant to Rule No. 72,

**THURSDAY, MAY 9, 1991 -- FORTY-FIFTH LEGISLATIVE DAY**

the following be referred to Finance, Ways and Means: House Bill No. 1293.

LOVE, Chair.

Pursuant to Rule No. 72, the Speaker referred House Bill No. 1293 to the Finance, Ways and Means Committee.

**LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES  
May 9, 1991**

In accordance with Rule No. 48, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 1605 and 1607; also, Senate Bill No. 1320.

**REPORT OF COMMITTEE ON CALENDAR AND RULES  
CONSENT CALENDAR  
May 9, 1991**

MR. SPEAKER: The officers of your Calendar and Rules Committee report that we have set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, May 13, 1991**: House Resolution(s) No(s). 95, 96, 98, 101, 102, 103, 104, 105, 107 and 108; House Joint Resolution(s) No(s). 326, 329, 330, 331, 332, 333, 335, 336, 340, 341 and 342; House Bill(s) No(s). 1605 and 1607; Senate Joint Resolution(s) No(s). 228, 230, 231, 233, 237, 238, 240, 241, 242, 245, 253 and 266; also, Senate Bill(s) No(s). 1320.

PHILLIPS, Chair.

**SIGNED  
May 9, 1991**

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 36, 43, 143, 176, 349, 366, 421, 461, 535, 746, 1000, 1241, 1336, 1349, 1402, 1418, 1448 and 1552; also, Senate Joint Resolution(s) No(s). 105, 106, 162, 209, 210, 213, 216, 219, 221, 229, 236, 243 and 247.

**ENGROSSED BILLS  
May 9, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution(s) No(s). 323 and 325; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

THURSDAY, MAY 9, 1991 -- FORTY-FIFTH LEGISLATIVE DAY

**ENGROSSED BILLS**

**May 9, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 280 and 1601; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**

**May 9, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution(s) No(s). 119, 186, 305, 306, 327, 328, 334, 337, 338 and 339; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**May 9, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1055 and 1309; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**ENGROSSED BILLS**

**May 9, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 288 and 1407; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**May 9, 1991**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 84, 334, 337, 338 and 339; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**THURSDAY, MAY 9, 1991 -- FORTY-FIFTH LEGISLATIVE DAY**

**MESSAGE FROM THE SENATE**

**May 9, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1568, 1595, 1596, 1597, 1598 and 1599; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**SIGNED**

**May 9, 1991**

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 1055 and 1309.

**ENGROSSED BILLS**

**May 9, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 791 and 936; also, House Joint Resolution(s) No(s). 234 and 260; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**

**May 9, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1434; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**May 9, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 233, 415, 489, 509, 737, 997, 1123 and 1384; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**\*Senate Bill No. 0233** -- Audiologists and Speech Pathologists -- Defines "practice of audiology"; authorizes continuing education and fee. Amends TCA, Title 63, Ch. 17. by \*Darnell, Hicks.

**THURSDAY, MAY 9, 1991 -- FORTY-FIFTH LEGISLATIVE DAY**

**\*Senate Bill No. 0415** -- District Attorneys -- Authorizes additional assistant district attorney general for 21st judicial district. Amends TCA 16-2-506. by \*Jordan, \*Springer.

**\*Senate Bill No. 0489** -- Hospitals and Health Care Facilities -- Increases freezer air temperature from 20 to 25 degrees. Amends TCA, Title 68, Ch. 11; Title 71, Ch. 5. by \*Cooper.

**\*Senate Bill No. 0509** -- Hospitals and Health Care Facilities -- Establishes rules for assistant training certification; decreases training required before employment. Amends TCA 68-11-209, 68-11-803. by \*Patten.

**\*Senate Bill No. 0737** -- Indigents -- Enacts "Tennessee Family Insurance Assistance Program". Amends TCA, Title 71. by \*Kyle, Hamilton.

**\*Senate Bill No. 0997** -- Drug and Alcohol Rehabilitation -- Creates state coordinating council on alcohol and other drugs; assigns certain duties and responsibilities. Amends TCA, Title 33, Ch. 8. by \*Person, \*Crutchfield, \*Womack, Cohen, Dunavant.

**\*Senate Bill No. 1123** -- Criminal Procedure -- Reduces amount of fee to be collected by clerk of court from \$15 to \$10. Amends TCA, Title 40, Ch. 24. by \*Crutchfield, \*Person, \*Davis E.

**Senate Bill No. 1384** -- Sentencing -- Clarifies sentencing procedure for certain inmates. Amends TCA, Titles 40, 41. by \*Darnell, \*Crowe.

**ENROLLED BILLS**

**May 9, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 181, 215, 469, 649, 703, 1175, 1568, 1595, 1596, 1597, 1598 and 1599; House Resolution(s) No(s). 86, 87, 88, 89, 90, 91, 92, 93, 94, 97, 99, 100 and 106; also, House Joint Resolution(s) No(s). 14, 84, 334, 337, 338 and 339; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**SIGNED**

**May 9, 1991**

The Speaker announced that he had signed the following: House Bill(s) No(s). 181, 215, 469, 649, 703, 1175, 1568, 1595, 1596, 1597, 1598 and 1599; House Joint Resolution(s) No(s). 14, 84, 334, 337, 338 and 339; also, House Resolution(s) No(s). 86, 87, 88, 89,



THURSDAY, MAY 9, 1991 -- FORTY-FIFTH LEGISLATIVE DAY

90, 91, 92, 93, 94, 97, 99, 100 and 106.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

ROLL CALL

The roll call was taken with the following results:

Present . . . . . 89

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Herron, Hill, Hillis, Holcomb, Hubbard, Jackson, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 89.

On motion of Rep. Purcell, the House recessed until 4:00 p.m., Monday, May 13, 1991.